

Remarks:

Applicant has read and considered the Office Action dated November 3, 2004 and the references cited therein. Claims 1, 2, 4-7, 10-12, 14 and 18 have been amended. Claims 3, 8-9 and 15 have been canceled. New claims 19-21 have been added. Claims 1-2, 4-7, 10-14 and 17-21 are pending.

Applicant notes that it appears that the application was filed without claim number 16. This appears to be a clerical error. Applicant has continued to number the claims as originally filed and have treated claim 16 as being canceled, rather than renumber all of the claims following 16.

In the Action, claims 1-11, 14 and 18 were rejected under 35 U.S.C. § 112 as being indefinite. With respect to claim 1, the Action stated that "one or more traveler devices" and "traveler devices" should both read --at least one traveler device--. The objected to language has been deleted and Applicant asserts that the rejection is traversed. With respect to claim 11, it was stated that there was no antecedent basis for "the brake device". Claim 11 has been amended to depend from claim 10 and it is believed that the antecedent basis problem has been overcome. With respect to claim 14, it was stated that it was unclear as to what constitutes "at an input positioned to receive". The objected to language has been deleted. Applicant further notes that it was indicated that claim 14 may be allowable if properly recited. Applicant believes that claim 14 is properly recited and has been rewritten in independent form. Applicant asserts that claim 14 is now in condition for allowance.

Finally, with respect to claim 18, the Action stated that the Applicant has failed to provide a structural relationship between the foot brake and the remaining elements of the system. Claim 18 has been amended to provide structural relationship. Moreover, claim 6, 10 and 15 recite similar ambiguities. Claims 6 and 10 have been similarly amended. Claim 12,

which recites structure from claim 15, has also been amended and is believed to overcome the rejection. Applicant asserts that the indefiniteness rejections have been traversed.

Claims 1, 2, 6-8, 10, 12, 13 and 17 were rejected as being anticipated by *Rousseau*. Claim 1 has been amended and recites structure from claim 3, which was indicated as having allowable subject matter. Moreover, claim 7 has been amended to include structure from claim 9, which was indicated as being allowable. Claim 10 depends from claim 7. Claim 12 has been amended to recite structure from claim 15, which was objected to. Claim 13 depends from claim 12 and claim 17 depends from claim 13 and are similarly believed to be allowable. Applicant asserts that the claims patentably distinguish over the *Rousseau* reference.

Claim 18 was allowed. Applicant thanks the Examiner for the indication of allowable subject matter. However, applicants believe that claim 18 was rejected under 35 U.S.C. § 112 at another point in the Action. As those rejections are believed to be traversed, Applicant asserts that claim 18 is in condition for allowance.

Claims 3-5, 9, 11 and 15 were objected to as being dependent upon a rejected base claim. Applicant thanks the Examiner for the indication of allowable subject matter. Claim 1 has been amended to incorporate features from claim 3. Claim 7 has been amended to incorporate the features from claim 9 and claim 12 has been amended to recite features from claim 15 and are believed to be in condition for allowance.

New claim 19 recites *inter alia* a support system for a platform comprising of a plurality of vertical posts and a traveler device mounted to one of the plurality of vertical posts, moving up and down the vertical post. The traveler device comprises a self contained drive train configured by an actuator to actuate the drive train and move the traveler device along the vertical post. Claim 19 further recites a platform mounted to the traveler device. Applicant asserts that the support system for a platform recited in claim 19 is neither shown nor suggested by *Rousseau* or any other prior art. *Rousseau* has a power supply and an actuation system that

includes a motor 34 and battery 38 that are positioned on a bottom shelf that does not move up and down with the platform. The present invention provides a traveler device with inputs that are easily accessed and controlled by the operator standing on the platform. Control lines that need to be run to the platform and may tangle are avoided with the present invention. The present invention provides for a reliable self contained system that is easily actuated. Moreover, claim 20 recites an actuator comprising a hand held tool with a drive train configured for engaging the hand held tool. As hand held tools are often utilized by workers on the platform, the present invention is easily adapted to readily available actuation and does not require further motors and/or power supply.

Finally, claim 21 recites that the actuator is a portable device supported on and moving with a platform. As stated above, *Rousseau* teaches away from such a configuration and the present device provides advantages over *Rousseau* and any other prior art. Applicant asserts that claims 19-21 patentably distinguish over *Rousseau* or any other prior art device and are believed to be in condition for allowance.

A speedy and favorable action on the merits is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at 612.336.4728.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612/332-5300

Date: 2/3/05



Gregory A. Sebald
Reg. No. 33,280
GAS/krn